

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:

Dean A Robbins Revocable Trust
PO Box 743
Aptos, CA 95001

2. Type of action: Application No. 76LJ 30115182 to Change Irrigation Existing Water Right 76LJ 30013604

3. Water source name: Wileys Slough

4. Location affected by project: E2SENE Sec 11 T27N R21W Flathead County (see Figure 1)

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant seeks to change the place of use associated with unperfected Provisional Permit 76LJ 30013604. The completion date for permit 76LJ 30013604 is December 31, 2019. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment: (include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Natural Resources and Conservation Service soil maps
Montana Department of Environmental Quality
United States Fish and Wildlife Wetland Mapper
Department of Fish, Wildlife and Parks

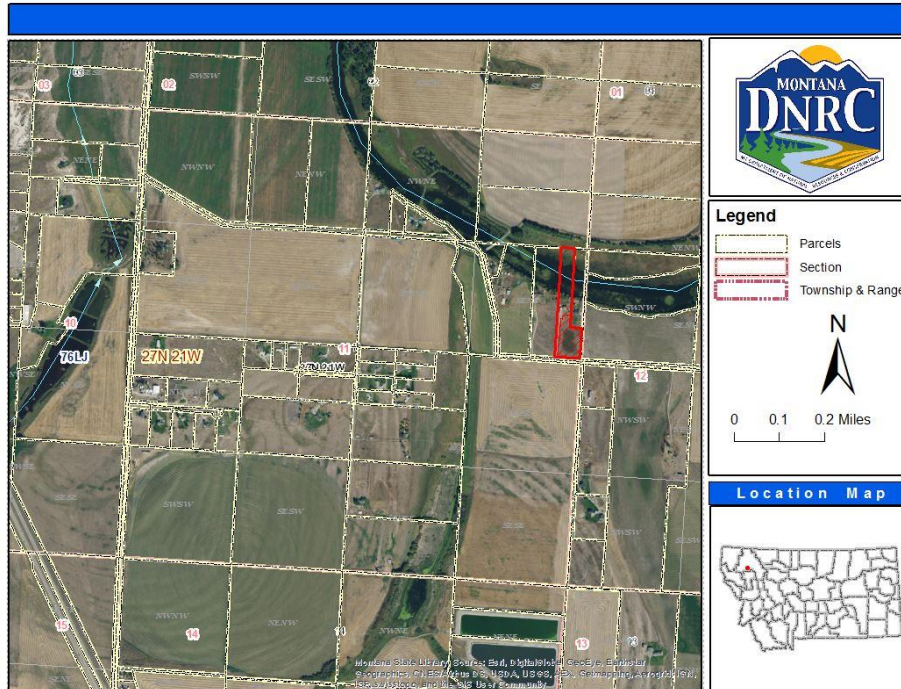


Figure 1: Site Vicinity of Place of Use

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

The Applicant proposes to divert surface water. However, the Applicant is not changing their diverted or consumed volumes originally permitted; therefore, no additional depletions should occur.

Determination: No impact.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

The Applicant proposes to divert surface water. The Applicant is not changing the source of water that was originally permitted; therefore, no additional impacts to water quality should occur beyond those previously assessed.

Determination: No impact.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

NA, surface water permit.

Determination: No impact.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

The Applicant seeks to change a portion of the historic place of use of unperfected permit 76LJ 30013604. The historic point of diversion and period of diversion will not change. The Applicant will divert water from Wileys Sough via a Goulds 55GS50 submersible pump. The current irrigation system consists of one Flexcon Industries Flex2Pro H2P120 pressure tank, a transmission line with 4 risers and Hunter I-90 ADV sprinklers with high flow heads. The system operates at 80 psi. This Change Authorization will not result in an increase of flow or volume. The adequacy of the irrigation system to divert water and irrigate 2.5 acres has already been established through the DNRC permit process. The proposed change shall not impact any channels, barriers, riparian areas and dams. No significant negative impact will occur to existing water users and surface/groundwater resources.

Determination: No impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”

The Montana Natural Heritage Program and DFWP website were reviewed to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern”, that could be impacted by the proposed project.

According to the Montana Natural Heritage Program and DFWP in Section 11, Township 27N, Range 21W there is one plant species of concern, Columbia Water-meal (*Wolffia Columbiana*). It is found in northwestern Montana in fresh, shallow water of ponds and sloughs in the valley zone. The proposed project will not impact this species or its habitat.

The Bull Trout (*Salvelinus confluentus*) is listed as threatened and the Fisher (*Pekania pennanti*), Common Tern (*Sterna hirundo*) and Westslope Cutthroat Trout (*Oncorhynchus clarkia lewisi*) are listed as sensitive by the USFS and USFWS. The Pygmy Whitefish (*Prosopium coulteri*) is a species of concern. An adequate quantity of water will still exist in Wileys Slough to maintain existing populations of fish. Development has existed on this section of land for some time; any impacts to sensitive mammal species most likely has already occurred. The proposed project will

not impact any threatened or endangered fish, wildlife, plants and aquatic species or any species of special concern.

Determination: No impact.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: N/A, project does not involve wetlands or critical riparian habitats

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: N/A, project does not involve ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

According to soil survey data provided by the NRCS, soil within the place of use consists mostly of silt loam and silty clay loam. The soil drainage class is well drained; the capacity of the most limiting layer of soil to transmit water is moderately high to high (0.57 – 1.98 in/hour). Soils within the place of use are not susceptible to saline seep; the soils are very slightly saline (2.0-3.0 mmhos/cm). The stability of the soil profile and moisture content will not be significantly altered with the use of groundwater within the subdivision. No degradation of soil quality shall occur.

Determination: No impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Any impacts to existing vegetation will be within the range of current disturbances due to current land use. Noxious weeds are not expected to be established or spread.

Determination: No impact.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Adverse air quality impacts from increased air pollutants are not expected as a result of this project. No air pollutants were identified as resulting from the applicants proposed use of water.

Determination: No impact.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal*

Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

Determination: N/A, project is not located on state or federal land.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

All impacts to land, water and energy have been identified and no further impacts are anticipated.

Determination: No impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The project is located in an area with no locally adopted environmental plans.

Determination: No impact.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

The proposed project will not inhibit, alter or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No impact.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

There should be no significant negative impact on human health from this proposed use.

Determination: No impact.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No x If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? None identified.
- (b) Local and state tax base and tax revenues? None identified.
- (c) Existing land uses? None identified.
- (d) Quantity and distribution of employment? None identified.
- (e) Distribution and density of population and housing? None identified.
- (f) Demands for government services? None identified.
- (g) Industrial and commercial activity? None identified.
- (h) Utilities? None identified.
- (i) Transportation? None identified.
- (j) Safety? None identified.
- (k) Other appropriate social and economic circumstances? None identified.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: None identified.

Cumulative Impacts: None identified.

3. *Describe any mitigation/stipulation measures:* None identified.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* No reasonable alternatives were identified in the EA.

PART III. Conclusion

1. *Preferred Alternative:* None identified.

2. *Comments and Responses:* None.

3. *Finding:*

Yes___ No x___ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

An EA is the appropriate level of analysis for the proposed action because no significant impacts were identified.

Name of person(s) responsible for preparation of EA:

Name: Melissa Brickl

Title: Hydrologist/Water Resource Specialist

Date: January 8, 2018